

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

TERRY BOUTTE

CASE NO. 2:24-MC-00011

VERSUS

ELITE MEDICAL WELLNESS ET AL

MAGISTRATE JUDGE LEBLANC

MEMORANDUM ORDER

Before the Court are three motions filed by Jackson Offshore Operators, LLC and Chevron U.S.A. Inc. (“Movants”): *Movants’ Motion for Reconsideration* [Doc. 23], *Movants’ Motion for Contempt and Sanctions* [doc. 28], and *Motion for Expedited Hearing on Movants’ Motion to Compel, Contempt, and Sanctions Against Elite Medical Wellness* [doc. 29].

For the reasons set forth below, it is hereby ORDERED that the Motion for Reconsideration [doc. 23] is DENIED.

It is FURTHER ORDERED that respondent Elite Medical Wellness produce to Movants all documents identified in this court’s July 1, 2024, Memorandum Order [doc. 22] by the close of business on August 13, 2024.

It is FURTHER ORDERED that the *Motion for Contempt and Sanctions* [doc. 28] is DENIED WITHOUT PREJUDICE to Movants’ right to re-urge that motion if respondent Elite Medical Wellness does not comply with this Court’s July 1, 2024, Memorandum Order [doc. 22] by the close of business on August 13, 2024.

It is FURTHER ORDERED that the *Motion for Expedited Hearing* [doc. 29] is GRANTED IN PART, insofar as this order provides expedited consideration of the same, and DENIED IN PART, insofar as these motions will not be set for formal hearing.

DISCUSSION

This miscellaneous action is related to litigation pending in the Houston Division of the U.S. District Court for the Southern District of Texas, *Terry Boutte, Jr. v. Jackson Offshore Operators, LLC, et al.*, No. 4:22-cv-00948 (S. D. Tex) (the “*Boutte* Litigation”). Movants herein initiated this action to enforce a subpoena issued in connection with the *Boutte* Litigation. The subpoena was issued to one of plaintiff Boutte’s medical providers, respondent Elite Medical Wellness (“Respondent”), a resident of this district. On information and belief, the *Boutte* Litigation is currently set for trial on August 22, 2024. *See* doc. 28, p. 2.

This Court conducted a hearing on Movants’ *Motion to Compel Compliance with Subpoena Directed to Non-Party Elite Medical Wellness* (the “Motion to Compel”). After supplemental briefing, on July 1, 2024, the Court issued a Memorandum Order granting in part and denying in part the Motion to Compel and directing Respondent to produce a subset of the subpoenaed documents to Movants on or before July 31, 2024. Doc. 22. By motion now before the court, Movants seek reconsideration of the Memorandum Order, asserting that Respondent waived all objections to the subpoena by failing to properly raise those objections. Doc. 23. This Court modified the subpoena pursuant to the Court’s independent duty to ensure that a subpoena does not impose undue burden or expense on a respondent, Fed. R. Civ. P. 45(d), and, therefore, the Court denies the Motion for Reconsideration.

After Movants filed the Motion for Reconsideration, and on the July 31, 2024, response deadline set by this Court’s Memorandum Order, Respondent filed into the record a letter notifying the Court that it had gathered documents in preparation to comply with the Memorandum Order, but it had not yet produced those documents pending resolution of the Motion for Reconsideration because “Elite Medical Wellness does not want to run afoul of the Court’s Memorandum Order,

while at the same time does not want to waive any process rights.” Doc. 25. Respondent did not otherwise respond or object to the Memorandum Order. Respondent does not specify why or how it stands to waive “process rights” by complying with the Memorandum Order. Respondent is reminded that Rule 45 of the Federal Rules of Civil Procedure provides this Court with the authority to “hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it,” and Respondent is directed to fully comply with the instructions in the Memorandum Order by the close of business on August 13, 2024. Doc. 45. Should Respondent fail to do so, the Court will entertain on an expedited basis any motion by Movants to re-urge their *Motion for Contempt and Sanctions* [doc. 28], which is denied today without prejudice.

THUS DONE AND SIGNED in chambers this 9th day of August, 2024.



THOMAS P. LEBLANC
UNITED STATES MAGISTRATE JUDGE